

§ 6.36

(b) To be considered, a person must provide sufficient documentation regarding the error to the Licensing Authority by letter, postmarked not later than August 31 of the calendar year following the calendar year in which the error was alleged to have been committed.

(c) If the error resulted in the loss of a historical license by a license holder, the Licensing Authority will transfer the amount of such license from Appendix 2 to Appendix 1 in order to provide for the issuance of such license in the calendar year following the calendar year for which the license was revoked. The cumulative annual transfers to Appendix 1 in accordance with this paragraph will be published in the FEDERAL REGISTER.

[65 FR 1298, Jan. 10, 2000]

§ 6.36 Miscellaneous.

(a) If any deadline date in this subpart falls on a Saturday, Sunday or a Federal holiday, then the deadline shall be the next business day.

(b) All submissions required under this subpart shall be made either by registered or certified mail, return receipt requested, with a postmarked receipt,

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with proper postage affixed and properly addressed to the Dairy Import Licensing Group, STOP 1021, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington DC 20250–1021, or by electronic submission utilizing the electronic software designated for this purpose by the Licensing Authority.

[61 FR 53007, Oct. 9, 1996. Redesignated at 65 FR 1298, Jan. 10, 2000; 69 FR 59764, Oct. 6, 2004]

§ 6.37 Supersedure of Import Regulation 1, Revision 7.

This subpart will supersede the provisions of Import Regulation 1, Revision 7 heretofore in effect (§§ 6.20 through 6.33 and appendices 1 through 3 as contained in 7 CFR subtitle A revised as of January 1, 1996). With respect to any violation of the provisions of that regulation by a licensee prior to the effective date hereof, the provisions of that regulation will be deemed to continue in full force; however, the debarment and suspension of § 6.31 of this subpart shall apply with respect to any violation of that regulation.

[61 FR 53007, Oct. 9, 1996. Redesignated at 65 FR 1298, Jan. 10, 2000]

APPENDICES 1–3 TO SUBPART—DAIRY TARIFF-RATE IMPORT QUOTA LICENSING

ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NONHISTORICAL LICENSES; AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2011

[Quantities in kilograms]

| Article by additional U.S. note number and coun- try of origin | Appendix 1 | Appendix 2 | Sum of Appendix 1 & 2 | Appendix 3 | | Harmonized tariff schedule |
|--|------------|------------|-----------------------------|------------|------------|----------------------------------|
| | | | | Tokyo R. | Uruguay R. | |
| NON-CHEESE ARTICLES | | | | | | |
| BUTTER (G-NOTE 6) ... | 5,096,498 | 1,880,502 | 6,977,000 | ..... | ..... | 6,977,000 |
| EU-25 | 75,459 | 20,702 | 96,161 | ..... | ..... |  |
| New Zealand | 110,045 | 40,548 | 150,593 | ..... | ..... |  |
| Other Countries | 43,017 | 30,918 | 73,935 | ..... | ..... |  |
| Any Country | 4,867,977 | 1,788,334 | 6,656,311 | ..... | ..... |  |
| DRIED SKIM MILK (K- NOTE 7) ..... | ..... | 5,261,000 | 5,261,000 | ..... | ..... | 5,261,000 |
| Australia ..... | ..... | 600,076 | 600,076 | ..... | ..... |  |
| Canada ..... | ..... | 219,565 | 219,565 | ..... | ..... |  |
| Any Country ..... | ..... | 4,441,359 | 4,441,359 | ..... | ..... |  |
| DRIED WHOLE MILK (H-NOTE 8) | 3,175 | 3,318,125 | 3,321,300 | ..... | ..... | 3,321,300 |
| New Zealand | 3,175 | ..... | 3,175 | ..... | ..... |  |
| Any Country ..... | ..... | 3,318,125 | 3,318,125 | ..... | ..... |  |
| DRIED BUTTERMILK/ WHEY (M-NOTE 12) | | 224,981 | 224,981 | | | 224,981 |
| Canada | | 161,161 | 161,161 | | | |
| New Zealand | | 63,820 | 63,820 | | | |

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ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NONHISTORICAL LICENSES;
AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2011—Continued

[Quantities in kilograms]

| Article by additional U.S. note number and coun- try of origin | Appendix 1 | Appendix 2 | Sum of Appendix 1 & 2 | Appendix 3 | | Harmonized tariff schedule |
|--|------------|------------|-----------------------------|------------|------------|----------------------------------|
| | | | | Tokyo R. | Uruguay R. | |
| BUTTER SUB- STITUTES CON- TAINING OVER 45 PERCENT OF BUT- TERFAT AND/OR BUTTER OIL (SU- NOTE 14) | | 6,080,500 | 6,080,500 | ..... | ..... | 6,080,500 |
| Any Country | | 6,080,500 | 6,080,500 | ..... | ..... |  |
| TOTAL: NON- CHEESE ARTICLES ... | 5,099,673 | 16,765,108 | 21,864,781 | ..... | ..... | 21,864,781 |

CHEESE ARTICLES

| | | | | | | |
|---|------------|-----------|------------|-----------|-----------|------------|
| CHEESE AND SUB- STITUTES FOR CHEESE (EXCEPT: SOFT RIPENED COW'S MILK CHEESE; CHEESE NOT CONTAINING COW'S MILK; CHEESE (EXCEPT COTTAGE CHEESE) CONTAINING 0.5 PERCENT OR LESS BY WEIGHT OF BUT- TERFAT; AND, ARTI- CLES WITHIN THE SCOPE OF OTHER IMPORT QUOTAS PROVIDED FOR IN THIS SUBCHAPTER) (OT-NOTE 16) | 21,557,089 | 9,912,642 | 31,469,731 | 9,661,128 | 7,496,000 | 48,626,859 |
| Argentina | 7,690 | ..... | 7,690 | 92,310 | ..... | 100,000 |
| Australia | 535,628 | 5,542 | 541,170 | 758,830 | 1,750,000 | 3,050,000 |
| Canada | 1,013,777 | 127,223 | 1,141,000 | ..... | ..... | 1,141,000 |
| Costa Rica ..... | ..... | ..... | ..... | ..... | 1,550,000 | 1,550,000 |
| EU-25 | 15,775,975 | 7,491,681 | 23,267,656 | 1,132,568 | 3,446,000 | 27,846,224 |
| Of which Por- tugal is | 65,838 | 63,471 | 129,309 | 223,691 | ..... | 353,000 |
| Israel | 79,696 | ..... | 79,696 | 593,304 | ..... | 673,000 |
| Iceland | 294,000 | ..... | 294,000 | 29,000 | ..... | 323,000 |
| New Zealand | 2,964,645 | 1,850,827 | 4,815,472 | 6,506,528 | ..... | 11,322,000 |
| Norway | 124,982 | 25,018 | 150,000 | ..... | ..... | 150,000 |
| Switzerland | 593,952 | 77,460 | 671,412 | 548,588 | 500,000 | 1,720,000 |
| Uruguay ..... | ..... | ..... | ..... | ..... | 250,000 | 250,000 |
| Other Countries | 100,906 | 100,729 | 201,635 | ..... | ..... | 201,635 |
| Any Country ..... | ..... | 300,000 | 300,000 | ..... | ..... | 300,000 |
| BLUE-MOLD CHEESE (EXCEPT STILTON PRODUCED IN THE UNITED KINGDOM) AND CHEESE AND SUBSTITUTES FOR CHEESE CON- TAINING, OR PROC- ESSED FROM, BLUE-MOLD CHEESE (B-NOTE 17) | 2,285,946 | 195,055 | 2,481,001 | ..... | 430,000 | 2,911,001 |
| Argentina | 2,000 | ..... | 2,000 | ..... | ..... | 2,000 |
| EU-25 | 2,283,946 | 195,054 | 2,479,000 | | 350,000 | 2,829,000 |
| Chile | | | | | 80,000 | 80,000 |
| Other Countries | | 1 | 1 | | | 1 |

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ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NONHISTORICAL LICENSES;
AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2011—Continued

[Quantities in kilograms]

| Article by additional U.S. note number and coun- try of origin | Appendix 1 | Appendix 2 | Sum of Appendix 1 & 2 | Appendix 3 | | Harmonized tariff schedule |
|---|------------|------------|-----------------------------|------------|------------|----------------------------------|
| | | | | Tokyo R. | Uruguay R. | |
| CHEDDAR CHEESE, AND CHEESE AND SUBSTITUTES FOR CHEESE CON- TAINING, OR PROC- ESSED FROM, CHEDDAR CHEESE (C-NOTE 18) | 2,799,576 | 1,484,280 | 4,283,856 | 519,033 | 7,620,000 | 12,422,889 |
| Australia | 902,462 | 82,037 | 984,499 | 215,501 | 1,250,000 | 2,450,000 |
| Chile ..... | ..... | ..... | ..... | ..... | 220,000 | 220,000 |
| EU-25 | 52,404 | 210,596 | 263,000 | ..... | 1,050,000 | 1,313,000 |
| New Zealand | 1,742,165 | 1,054,303 | 2,796,468 | 303,532 | 5,100,000 | 8,200,000 |
| Other Countries | 102,545 | 37,344 | 139,889 | ..... | ..... | 139,889 |
| Any Country ..... | ..... | 100,000 | 100,000 | ..... | ..... | 100,000 |
| AMERICAN-TYPE CHEESE, INCLUD- ING COLBY, WASHED CURD AND GRANULAR CHEESE (BUT NOT INCLUD- ING CHEDDAR) AND CHEESE AND SUB- STITUTES FOR CHEESE CON- TAINING OR PROC- ESSED FROM SUCH AMERICAN-TYPE CHEESE (A-NOTE 19) | 2,711,009 | 454,544 | 3,165,553 | 357,003 | ..... | 3,522,556 |
| Australia | 771,136 | 109,862 | 880,998 | 119,002 | ..... | 1,000,000 |
| EU-25 | 149,683 | 204,317 | 354,000 | ..... | ..... | 354,000 |
| New Zealand | 1,639,549 | 122,450 | 1,761,999 | 238,001 | ..... | 2,000,000 |
| Other Countries | 150,641 | 17,915 | 168,556 | ..... | ..... | 168,556 |
| EDAM AND GOUDA CHEESE, AND CHEESE AND SUB- STITUTES FOR CHEESE CON- TAINING, OR PROC- ESSED FROM, EDAM AND GOUDA CHEESE (E-NOTE 20) | 5,128,658 | 477,744 | 5,606,402 | ..... | 1,210,000 | 6,816,402 |
| Argentina | 110,495 | 14,505 | 125,000 | ..... | 110,000 | 235,000 |
| EU-25 | 4,899,083 | 389,917 | 5,289,000 | ..... | 1,100,000 | 6,389,000 |
| Norway | 114,318 | 52,682 | 167,000 | | | 167,000 |
| Other Countries | 4,762 | 20,640 | 25,402 | | | 25,402 |

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ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NONHISTORICAL LICENSES;
AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2011—Continued

[Quantities in kilograms]

| Article by additional U.S. note number and coun- try of origin | Appendix 1 | Appendix 2 | Sum of Appendix 1 & 2 | Appendix 3 | | Harmonized tariff schedule |
|---|------------|------------|-----------------------------|------------|------------|----------------------------------|
| | | | | Tokyo R. | Uruguay R. | |
| ITALIAN-TYPE CHEESES, MADE FROM COW'S MILK, (ROMANO MADE FROM COW'S MILK, REGGIANO, PAR- MESAN, PROVOLONE, PROVOLETTI, SBRINZ, AND GOYA- NOT IN ORIGINAL LOAVES) AND CHEESE AND SUB- STITUTES FOR CHEESE CON- TAINING, OR PROC- ESSED FROM, SUCH ITALIAN-TYPE CHEESES, WHETH- ER OR NOT IN ORIGINAL LOAVES (D-NOTE 21) | 6,404,899 | 1,115,648 | 7,520,547 | 795,517 | 5,165,000 | 13,481,064 |
| Argentina | 3,913,007 | 212,476 | 4,125,483 | 367,517 | 1,890,000 | 6,383,000 |
| EU-25 | 2,491,892 | 890,108 | 3,382,000 | ..... | 2,025,000 | 5,407,000 |
| Romania ..... | ..... | ..... | ..... | ..... | 500,000 | 500,000 |
| Uruguay ..... | ..... | ..... | ..... | 428,000 | 750,000 | 1,178,000 |
| Other Countries ..... | ..... | 13,064 | 13,064 | ..... | ..... | 13,064 |
| SWISS OR EMMENTHALER CHEESE OTHER THAN WITH EYE FORMATION, GRU- YERE-PROCESS CHEESE AND CHEESE AND SUB- STITUTES FOR CHEESE CON- TAINING, OR PROC- ESSED FROM, SUCH CHEESES (GR-NOTE 22) | 5,325,713 | 1,325,601 | 6,651,314 | 823,519 | 380,000 | 7,854,833 |
| EU-25 | 4,056,523 | 1,095,471 | 5,151,994 | 393,006 | 380,000 | 5,925,000 |
| Switzerland | 1,235,692 | 183,795 | 1,419,487 | 430,513 | ..... | 1,850,000 |
| Other Countries | 33,498 | 46,335 | 79,833 | ..... | ..... | 79,833 |
| CHEESE AND SUB- STITUTES FOR CHEESE, CON- TAINING 0.5 PER- CENT OR LESS BY WEIGHT OF BUT- TERFAT (EXCEPT ARTICLES WITHIN THE SCOPE OF OTHER TARIFF- RATE QUOTAS PRO- VIDED FOR IN THIS SUBCHAPTER), AND MARGARINE CHEESE (LF-NOTE 23) | 1,842,566 | 2,582,342 | 4,424,918 | 1,050,000 | ..... | 5,474,908 |
| EU-25 | 1,842,566 | 2,582,341 | 4,424,907 | | | 4,424,907 |
| Israel | | | | 50,000 | | 50,000 |
| New Zealand | | | | 1,000,000 | | 1,000,000 |
| Other Countries | | 1 | 1 | | | 1 |

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ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NONHISTORICAL LICENSES;
AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2011—Continued

[Quantities in kilograms]

| Article by additional U.S. note number and coun- try of origin | Appendix 1 | Appendix 2 | Sum of Appendix 1 & 2 | Appendix 3 | | Harmonized tariff schedule |
|--|------------|------------|-----------------------------|------------|------------|----------------------------------|
| | | | | Tokyo R. | Uruguay R. | |
| SWISS OR EMMENTHALER CHEESE WITH EYE FORMATION (SW- NOTE 25) | 15,607,214 | 6,690,117 | 22,297,331 | 9,557,945 | 2,620,000 | 34,475,276 |
| Argentina ..... | ..... | 9,115 | 9,115 | 70,885 | ..... | 80,000 |
| Australia | 209,698 | ..... | 209,698 | 290,302 | ..... | 500,000 |
| Canada ..... | ..... | ..... | ..... | 70,000 | ..... | 70,000 |
| EU–25 | 11,186,762 | 5,290,066 | 16,476,828 | 4,003,172 | 2,420,000 | 22,900,000 |
| Iceland | 149,999 | ..... | 149,999 | 150,001 | ..... | 300,000 |
| Israel | 27,000 | ..... | 27,000 | ..... | ..... | 27,000 |
| Norway | 3,187,264 | 468,046 | 3,655,310 | 3,227,690 | ..... | 6,883,000 |
| Switzerland | 786,906 | 897,199 | 1,684,105 | 1,745,895 | 200,000 | 3,630,000 |
| Other Countries | 59,585 | 25,691 | 85,276 | ..... | ..... | 85,276 |
| TOTAL: CHEESE ARTICLES ... | 63,662,670 | 24,237,973 | 87,900,653 | 22,764,145 | 24,921,000 | 135,585,788 |
| TOTAL: CHEESE ARTI- CLES & NON- CHEESE ARTI- CLES | 68,762,343 | 41,003,081 | ..... | 22,764,145 | 24,921,000 | 157,450,569 |

[76 FR 63539, Oct. 13, 2011]

**Subpart—Price-Undercutting of
Domestic Cheese by Quota
Cheeses**

AUTHORITY: Sec. 702, Pub. L. 96–39, 93 Stat. 144, 19 U.S.C. 1202 note.

SOURCE: 45 FR 9883, Feb. 13, 1980, unless otherwise noted.

§ 6.40 General.

This subpart sets forth the procedures applicable to the determination by the Secretary of Agriculture as to whether the price at which any article of quota cheese is being offered for sale in the United States on a duty-paid wholesale basis is less than the domestic wholesale market price of similar articles produced in the United States (i.e., price-undercutting) in accordance with section 702 of the Trade Agreements Act of 1979 (Pub. L. 96–39, 93 Stat. 144, 19 U.S.C. 1202 note) (hereinafter referred to as the Act).

§ 6.41 Definitions.

(a) *Complainant* means the person who has filed with the Investigating Authority, in accordance with the procedures set forth in this subpart, a written complaint alleging that price-undercutting is occurring.

(b) *Country of origin* means the country, as defined in 19 CFR 134.1(b), in which the quota article subject to this regulation was produced or manufactured.

(c) *Foreign government* means the government of the country of origin or, for purposes of determining whether a subsidy has been provided for the member states of the European Economic Community, the subsidy granting bodies of the European Economic Community.

(d) *Investigating Authority* means the Director, Dairy, Livestock and Poultry Division, Commodity Programs, Foreign Agricultural Service.

(e) *Quota cheese* means the articles provided for in the following items of the Tariff Schedules of the United States: